



## **CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA**

**Council Chambers – 3300 Newport Blvd.  
Wednesday, April 11, 2012 – 6:00 PM**

***Harbor Commission Members:***

**Ralph Rodheim, Chair  
Brad Avery  
Marshall Duffield  
Duncan McIntosh  
Karen Rhyne  
Doug West  
David Girling**

***Staff Members:***

**Chris Miller, Harbor Resources Manager  
Shannon Levin, Harbor Resources Supervisor**

***Council Liaison:***

**Mayor Nancy Gardner**

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- 1) CALL MEETING TO ORDER**
  - 2) ROLL CALL**
  - 3) PLEDGE OF ALLEGIANCE**
  - 4) PUBLIC COMMENTS**

*Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Commission. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Commission has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.*

- 5) APPROVAL OF MINUTES from February 8, 2012**

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the City Clerk's Office at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3005 or [cityclerk@newportbeachca.gov](mailto:cityclerk@newportbeachca.gov).

6) **CURRENT BUSINESS**

A. ***Appeal of Decision to Deny Application for Dock Reconfiguration at 209 Via Lido Soud***

The Harbor Commission will hear an appeal of the Harbor Resources Manager's decision to deny the application for the reconfiguration of the dock at 209 Via Lido Soud.

**Recommendation:**

1. Advise the Harbor Resources Manager to deny the application with current proposal; or
2. Advise the Harbor Resources Manager to approve the current application; or
3. Advise the Harbor Resources Manager to approve the application with modifications.

B. ***California Ships to Reefs***

The Harbor Commission will hear a presentation by California Ships to Reefs and the programs they are developing in Orange County.

**Recommendation:**

1. Receive and file.

C. ***Review of Newport Bay Marina***

The Harbor Commission will be updated on the upcoming Newport Bay Marina project (2222 Newport Blvd) with a focus on the marina.

1. Receive and file.

D. ***Vessel *Cheyenne* – Discussion of Future Moorage in Newport Harbor***

The Harbor Commission will discuss the future of the vessel *Cheyenne* with respect to its moorage in Newport Harbor.

1. Advise the Harbor Resources Manager on permitting the vessel *Cheyenne* to moor in Newport Harbor.

E. ***Appointment of Commissioners to a Dredging Task Force***

The Harbor Commission will nominate Commissioners to serve on a Dredging Task Force that will analyze and prioritize additional dredging opportunities that exist after the current 2012 dredging project is complete.

1. Nominate no more than three Commissioners to serve on the Dredging Task Force.

7) **SUBCOMMITTEE REPORTS**

8) **QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES**

9) **HARBOR RESOURCES UPDATE – Receive and File**

10) **PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR HARBOR RESOURCES UPDATE**

11) **COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**

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- Noise in the harbor
- Code Enforcement Presentation

12) **DATE AND TIME FOR NEXT MEETING:**

Wednesday, May 9, 2012

13) **ADJOURNMENT**



== CITY OF ==

# NEWPORT BEACH

## Harbor Commission Staff Report

Agenda Item No. 1  
April 11, 2012

**TO:** HARBOR COMMISSION

**FROM:** Public Works Department  
Shannon Levin, Harbor Resources Supervisor  
949-644-3041, shannon@newportbeachca.gov

**TITLE:** Appeal of Decision to Deny Application for Dock Reconfiguration at 209  
Via Lido Soud

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**ABSTRACT:**

The Harbor Commission will hear an appeal of the Harbor Resources Manager's decision to deny the application for the reconfiguration of the dock at 209 Via Lido Soud.

**RECOMMENDATION:**

The Harbor Commission may:

1. Advise the Harbor Resources Manager to deny the application with current proposal; or
2. Advise the Harbor Resources Manager to approve the current application; or
3. Advise the Harbor Resources Manager to approve the application with modifications.

**FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

**DISCUSSION:**

At 209 Via Lido Soud George Twist proposes to remove and replace the existing residential dock. The applicant has submitted drawings for a configuration that would extend beyond the allowable buildable area. Staff has denied the application because it does not conform to Harbor Permit Policy. The applicant has appealed this decision according to NBMC §17.65.010.

The proposal calls out for the structure to extend 30 feet beyond the Pierhead Line, or 10 feet beyond the allowable area. The Harbor Permit Policy, Council Policy H-1, establishes the regulation for bayward locations of piers and floats.

Harbor Permit Policy Section Y. Lido Isle. Piers may be permitted to extend out to the U. S. Pierhead Line, except on the westerly side between U.S. Bulkhead Sta. No. 172 and No. 174. Piers may be permitted to extend 20 feet beyond the U. S. Pierhead Line between U.S. Bulkhead Sta. No 172 and 174.

The slip size is 49 feet with a possible beam width of 17 feet. (Attachment A) A vessel could legally berth with 17 feet of overhang beyond the proposed fingers. ( Attachment B)

There are instances in the surrounding area where dock structures have been built beyond the existing Policy due typically to previous Policy provisions. An aerial image is provided to demonstrate the condition of the surrounding area. The proposed configuration may be considered to be similar to existing structures. (Attachment C)

After review of this application Harbor Resources staff acknowledges that this proposed reconfiguration does not meet the Council Policy criteria. Therefore, Harbor Commission is asked to review the application and advise staff.

**ENVIRONMENTAL REVIEW:**

Staff recommends the Harbor Commission find this project exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301, Class 1, (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:

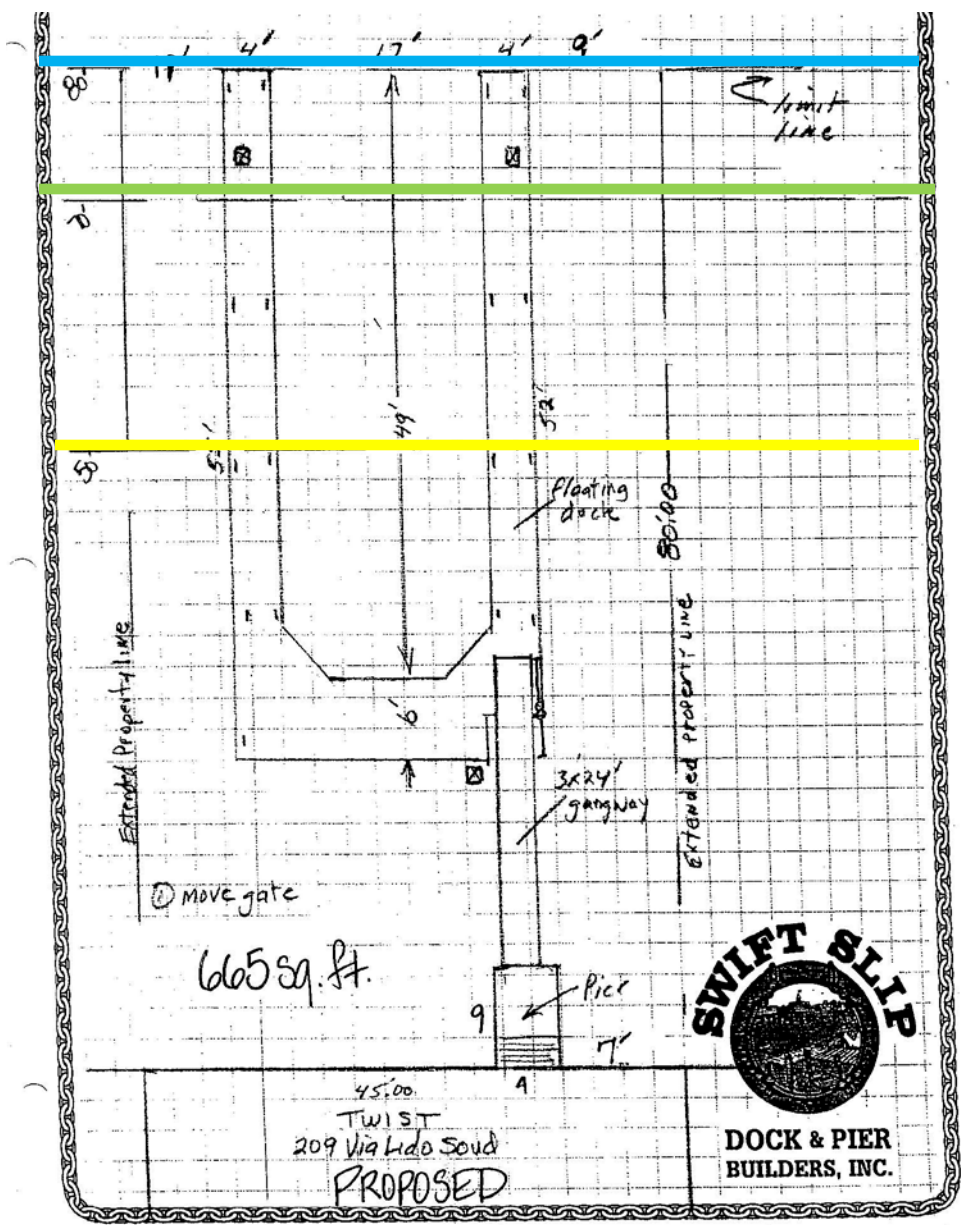
  
Shannon Levin

Attachment A	Proposed Configuration
Attachment B	Harbor Lines
Attachment C	Aerial of U.S. Bulkhead Station No. 173

# Attachment A

## Proposed Configuration

- Proposed Dock Limit in Blue
- Harbor Permit Policy Limit in Green
- Pierhead Line in Yellow



# Attachment B

## 209 Via Lido Soud



- Orange = Bulkhead Line
- Yellow = Pierhead Line
- Red = Project Line



# Attachment C

## Bulkhead Station No.173







**CITY OF**

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# **NEWPORT BEACH**

## **Harbor Commission Staff Report**

Agenda Item No. 2  
April 11, 2012

**TO:** HARBOR COMMISSION

**FROM:** Public Works Department  
Chris Miller, Harbor Resources Manager  
949-644-3043, [cmiller@newportbeachca.gov](mailto:cmiller@newportbeachca.gov)

**TITLE:** California Ships to Reefs

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**ABSTRACT:**

The Harbor Commission will hear a presentation by California Ships to Reefs and the programs they are developing in Orange County.

**RECOMMENDATION:**

1. Receive and file.

**FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

**ENVIRONMENTAL REVIEW:**

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:

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Chris Miller



**CITY OF**

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# **NEWPORT BEACH**

## **Harbor Commission Staff Report**

Agenda Item No. 3  
April 11, 2012

**TO:** HARBOR COMMISSION

**FROM:** Public Works Department  
Chris Miller, Harbor Resources Manager  
949-644-3043, [cmiller@newportbeachca.gov](mailto:cmiller@newportbeachca.gov)

**TITLE:** Review of Newport Bay Marina

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**ABSTRACT:**

The Harbor Commission will be updated on the upcoming Newport Bay Marina project (2222 Newport Blvd) with a focus on the marina.

**RECOMMENDATION:**

1. Receive and file.

**FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

**ENVIRONMENTAL REVIEW:**

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:

A handwritten signature in cursive script, appearing to read "Chris Miller", written over a horizontal line.

Chris Miller



**CITY OF**

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# **NEWPORT BEACH**

## **Harbor Commission Staff Report**

Agenda Item No. 4  
April 11, 2012

**TO:** HARBOR COMMISSION

**FROM:** Public Works Department  
Chris Miller, Harbor Resources Manager  
949-644-3043, [cmiller@newportbeachca.gov](mailto:cmiller@newportbeachca.gov)

**TITLE:** Vessel *Cheyenne* – Discussion of Future Moorage in Newport Harbor

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**ABSTRACT:**

The Harbor Commission will discuss the future of the vessel *Cheyenne* with respect to its moorage in Newport Harbor.

**RECOMMENDATION:**

1. Advise the Harbor Resources Manager on permitting the vessel *Cheyenne* to moor in Newport Harbor.

**FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

**ENVIRONMENTAL REVIEW:**

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:

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Chris Miller



**CITY OF**

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# **NEWPORT BEACH**

## **Harbor Commission Staff Report**

Agenda Item No. 5  
April 11, 2012

**TO:** HARBOR COMMISSION

**FROM:** Public Works Department  
Chris Miller, Harbor Resources Manager  
949-644-3043, [cmiller@newportbeachca.gov](mailto:cmiller@newportbeachca.gov)

**TITLE:** Appointment of Commissioners to a Dredging Task Force

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**ABSTRACT:**

The Harbor Commission will nominate Commissioners to serve on a Dredging Task Force that will analyze and prioritize additional dredging opportunities that exist after the current 2012 dredging project is complete.

**RECOMMENDATION:**

1. Nominate no more than three Commissioners to serve on the Dredging Task Force.

**FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

**ENVIRONMENTAL REVIEW:**

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:

  
Chris Miller

**NEWPORT BEACH HARBOR COMMISSION MINUTES**  
**City Council Chambers**  
**February 8, 2012**

**CALL TO ORDER**

6:00 P.M.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Commissioners Rodheim, West, Rhyne, McIntosh, Avery present. Commissioner Duffield absent.

Council Liaison: Mayor Pro Tem Nancy Gardner

Staff: Manager Chris Miller  
Supervisor Shannon Levin

**PUBLIC COMMENTS ON NON-AGENDA ITEMS**

None.

**MINUTES**

Commissioner West motioned to approve the minutes and Commissioner Rhyne seconded. Motion carried.

**ACTION & APPEAL ITEMS**

***ITEM #1***

**Subject:** ExplorOcean.

**Abstract:** A presentation on ExplorOcean from Rita Steinlund.

**Discussion:** A presentation on the ExplorOcean design was given by Rita Steinlund, President. ExplorOcean will revitalize the Fun Zone area and expand from the existing Newport Harbor Nautical Museum. An economic analysis of the programming is being conducted. The facility will offer increased commercial and visitor opportunities. The plans for the facility can be viewed at <http://explorocean.org>.

**Action:** Receive and File

***ITEM #2***

**Subject:** Derelict Boats.

**Abstract:** Discussion of derelict boats in Florida and Newport Beach.

**Discussion:** The Harbor Commission discussed the possibility of composing a group of volunteers to help upkeep of derelict vessels. There is some money for derelict boat disposal but the City of Newport Beach's derelict problem doesn't fit into that category. The vessels covered by the grants are typically sunk and/or hazards to navigation. Commissioner West suggested that this issue should be further reviewed, the problem defined, and come back at another meeting to properly discuss the issue.

**Action:** Receive and file.

**SUB-COMMITTEE REPORTS**

- Cruising Guide:** This is on track with weekly meetings. Publication is expected for February.
- Code Enforcement:** Commissioner Avery commented staff did an excellent job handling the enforcement of MV Majestic.
- Visioning:** Avery is reviewing the Harbor and Bay Element of the General Plan to include that in the Visioning. The Visioning Subcommittee will require increased public input and community outreach.
- Mooring:** There will be an update next month.  
Commissioner Rhyne mentioned that the state government is attempting to re-budget DBAW again. A letter for signature should be sent by all interested to petition the Governor.

### **COUNCIL LIAISON REPORT:**

None.

### **HARBOR RESOURCES UPDATE**

- Manager Miller gave a PowerPoint presentation on harbor updates. *The update is posted at <http://www.newportbeachca.gov/index.aspx?page=1777>*

### **PUBLIC COMMENTS**

Jim Mosher informed the Commission that the final appointees to the Harbor Commission will be announced on an upcoming Council Agenda once the Screening Committee makes a recommendation. Stanley Seplan addressed the concern that chase boats for rowing are creating large wakes and causing rocking on docks.

### **RECOMMENDED TOPICS FOR FUTURE AGENDAS:**

- Ships to Reef
- Eelgrass
- OCC Sea Base

**DATE OF NEXT MEETING:** Wednesday March 14, 2012

**ADJOURNMENT:** Meeting adjourned around 8:00 PM.

The agenda for the Regular Meeting was posted on February 4, 2012 at 4:45 p.m. on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building.

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Harbor Commission Chair